

1
2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT SEATTLE

5 UNITED STATES OF AMERICA,

6 Plaintiff,

7 v.

8 MICHAEL H. GEBREHIWET,

9 Defendant.

CR12-44 TSZ

MINUTE ORDER

10 The following Minute Order is made by direction of the Court, the Honorable
11 Thomas S. Zilly, United States District Judge:

12 (1) Defendant's request, docket no. 55, for a jury trial concerning his alleged
13 violations of the conditions of supervised release is DENIED. Contrary to defendant's
14 assertion, *United States v. Haymond*, 139 S. Ct. 2369 (2019), does not require a jury trial
15 prior to a revocation of supervised release pursuant to 18 U.S.C. § 3583(e). *Haymond*
16 concerns whether the Fifth and Sixth Amendments to the United States Constitution
17 mandate a jury trial before imposing, in connection with the revocation of supervised
18 release under 18 U.S.C. § 3583(k), a new mandatory minimum sentence that is higher
19 than the minimum sentence for the original conviction. *See id.* at 2378-80. In *Haymond*,
20 the Supreme Court made clear that its decision does not apply to § 3583(e) and is limited
21 to § 3583(k), which is not at issue in this matter. *See id.* at 2382 & n.7; *see also id.* at
22 2383-84. Defendant has not made the requisite showing that, if he is found to have
23 committed the supervised released violations at issue, he might be subjected to a sentence
that would, when combined with his previous period of incarceration, exceed the
statutory maximum term of imprisonment for the original offense, namely possession of a
stolen firearm.

(2) The Clerk is directed to send a copy of this Minute Order to all counsel of
record.

Dated this 30th day of September 2019.

William M. McCool
Clerk

s/Karen Dews
Deputy Clerk